

#### Members

Sen. Thomas Wyss, Chairman  
Sen. Charles Meeks  
Sen. Timothy Skinner  
Sen. John Broden  
Rep. Tiny Adams  
Rep. David Crooks  
Rep. Robert Cherry  
Rep. Timothy Neese



## **PUBLIC SAFETY MATTERS EVALUATION COMMITTEE**

*Legislative Services Agency*  
*200 West Washington Street, Suite 301*  
*Indianapolis, Indiana 46204-2789*  
*Tel: (317) 233-0696 Fax: (317) 232-2554*

#### LSA Staff:

Valerie Ruda, Fiscal Analyst for the Committee  
Susan Montgomery, Attorney for the Committee

Authority: IC 2-5-21-10

### **MEETING MINUTES<sup>1</sup>**

**Meeting Date:** August 26, 2003  
**Meeting Time:** 10:00 A.M.  
**Meeting Place:** State House, 200 W. Washington St., 130  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 3

**Members Present:** Sen. Thomas Wyss, Chairman; Sen. Charles Meeks; Rep. Tiny Adams.

**Members Absent:** Sen. Timothy Skinner; Sen. John Broden; Rep. David Crooks; Rep. Robert Cherry; Rep. Timothy Neese.

Chairman Thomas Wyss called the third meeting of the Public Safety Matters Evaluation Committee to order at 10:15 a.m. After making introductions, Chairman Wyss announced that the Committee would be discussing whether vehicle titling requirements need to be strengthened and whether motor vehicle laws need to be changed regarding drivers who are impaired.

#### Vehicle Titling Requirements

Captain Steve Hillman of the Indiana State Police described problems with title delivery after the statutory 21-day allowance for delivery. In response to questions from Senator Meeks, Captain Hillman noted that failure to deliver a title is a criminal violation and bears a penalty; the captain was unaware of the reason why the statute was changed from immediate delivery to the 21-day period.

Officer Donna Elam of the Indiana State Police elaborated on the failure-to-deliver problem. She also stated that the most likely reason for changing the requirement to 21 days was because of the time required for the Bureau of Motor Vehicles (BMV) to complete paperwork,

---

<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

and that the reason for proposing the 21-day requirement be changed back to immediate delivery of title is to reduce the number of victims. Officer Elam also spoke of other states' experiences with an immediate title delivery requirement.

Marilyn Cage, Legislative Liaison for the BMV, spoke on other titling issues regarding the agency's field investigations of car dealerships and administrative options for dealing with problem dealerships not delivering titles in the allotted time.

Anita Morris, Chief Legal Counsel for the BMV, spoke regarding finding car dealerships who set up temporary sales tents off of the dealer's property. Nelson Becker, representing the Auto Dealers Association, mentioned how SEA 405 (2003) contains provisions that should address the previously mentioned problem and described the titling process and time frame. In response to Chairman Wyss' questions, Mr. Becker stated that his association did not want the 21-day requirement to be changed and suggested that the Committee wait to see the results of the amendments of SEA 405 (2003) before changing the time frame.

Amber Moore of the Community Bankers Association of Indiana and Tom Gang of the Community Bank of Noblesville spoke on banks' concerns with the 21-day requirement.

Kerry Spradlin of the Indiana Bankers Association spoke of banks' problems of failing to receive titles from some dealerships, which makes issuing duplicates difficult.

Diana Ulm, Fifth Third Bank in Cincinnati, spoke of her bank's experience with not receiving titles from small dealerships. Ms. Ulm stated she could not say what financial loss the bank experiences due to lost titles. In Ohio there is a penalty for not delivering title in seven business days. When asked of her opinion of utilizing standardized titling forms across all the states, Ms. Ulm responded that it would not matter since the bank is beginning to use an electronic form.

Fritz Kreutzinger, Indiana Independent Auto Dealers, offered suggestions for dealing with the failure-to-deliver problem without changing the 21-day requirement.

Joel Garcia, Automotive Finance Corporation, spoke on the issue of requiring dealerships to provide a bond of a certain amount to deal with the failure-to-deliver problem.

Chairman Wyss initiated discussion on a preliminary draft of legislation which addresses the bond issue (Exhibit 1).

John Livengood, Livengood & Associates, addressed the costs involved with motor vehicle dealers providing bonds in other states (Exhibit 2). Discussion then ensued on requiring a bond, and if so, what the amount should be.

Terry Goins, Auto Dealers Exchange, expressed his concern that a bond requirement does not address the problem. He also spoke on how the auction industry is taking actions to protect itself from future problem dealers. Chester Goins, also of the Auto Dealers Exchange, elaborated on the industry's actions to protect itself from problem dealers.

Bill Mathews, Auction Broadcasting Company, spoke of his company's own way of dealing with the failure-to-deliver problem, which is to look at the smaller problem and deal with it internally.

Chairman Wyss concluded the titling discussion by stating the objective is to try and deter the problem dealers' actions and suggesting that maybe stronger penalties are needed. He then asked the industry to think about the bonding issue and asked the Attorney General's Office and the BMV to return in early October to report on the issue.

### Impaired Drivers

Chairman Wyss explained the reason for initiating the topic of impaired drivers is because, across the country, many situations have arisen where impaired drivers endanger other people. The Chairman stated that he wants to ensure that Indiana has safe drivers on the road.

Marilyn Cage of the BMV described the agency's procedure, following statute, that allows individuals to anonymously file complaints regarding drivers who may be impaired. Ms. Cage answered questions from the members regarding more frequent testing of drivers aged 75 or older. Senator Meeks expressed his concern that there should be some kind of BMV-initiated follow-up for those who have their license privileges revoked as it can be a very traumatic aspect of a person's life.

Chairman Wyss discussed HB 1379 (2000), authored by Representative Adams (Exhibit 3), whose subject matter was the "examination of drivers regarding impairment." Chairman Wyss requested BMV to evaluate the bill to see if it is still viable and contains provisions that the BMV may utilize.

Jim Zieba, Indiana State Medical Association, stated that the American Medical Association has been looking into the issue of impaired drivers. He also noted that the mandatory reporting of impairments to motor vehicle bureaus by medical providers may deter people from seeking needed medical attention.

June Lyle, Indiana American Association of Retired Persons, expressed the associations's concern and willingness to help find solutions while maintaining a balance between safety and independence. In response to a question from the Committee, Ms. Lyle noted the agency has no position on the standardization across states of a legislative approach to the matter.

Ron Wuensch, Indiana Optometric Association, described how visual impairment affects drivers and the community.

Linda Tritch, certified driver rehabilitation specialist at Parkview Hospital in Ft. Wayne, described how the evaluation program works with drivers recovering from or adapting to impairments. Ms. Tritch listed her qualifications, certification with a national organization, for doing evaluations. Senator Meeks commented that perhaps there should be certification for this at the state level.

Chairman Wyss again requested the BMV to review HB1379 (2000). He emphasized that the Committee's concern is to ensure that Indiana is doing what it can to provide for keeping impaired drivers off the road.

He announced that the next meeting will be held on September 24<sup>th</sup> at 10:00 a.m. Topics to be discussed further include those of pyrotechnics and nightclub safety and of impaired drivers. Chairman Wyss adjourned the meeting at 1:15 p.m.